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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

STATE OF CALIFORNIA, *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, Secretary of  
Health and Human Services, *et al.*,

Defendants,

and,

THE LITTLE SISTERS OF THE POOR,  
JEANNE JUGAN RESIDENCE, *et al.*,

Defendant-Intervenors

Case No.: 4:17-cv-5783-HSG

**JOINT STATUS REPORT**

On August 17, 2021 the Court stayed this case and ordered the parties to file status reports every three months. ECF No. 467. The parties report as follows:

1        1. This case concerns the validity of two rules which create a moral exemption, and  
2        expand a religious exemption, to the rules establishing the contraceptive coverage  
3        requirement. *See* Religious Exemptions and Accommodations for Coverage of Certain  
4        Preventive Services Under the ACA, 83 Fed. Reg. 57,536 (Nov. 15, 2018); Moral  
5        Exemptions and Accommodations for Coverage of Certain Preventive Services Under the  
6        ACA, 83 Fed. Reg. 57,592 (Nov. 15, 2018).

7        2. The Court has before it fully briefed dispositive motions, *see* ECF Nos. 311, 366, 368,  
8        370, as well as supplemental briefs addressing the Supreme Court’s decision in *Little Sisters*  
9        *of the Poor Saints Peter & Paul Home v. Pennsylvania*, 140 S. Ct. 2367 (2020), *see* ECF  
10       Nos. 433, 435, 437, 438, 440.

11       3. On August 3, 2021, the parties filed a joint status report, in which Federal Defendants  
12       asked the Court to stay the case to permit the defendant agencies to evaluate the issues  
13       presented by this litigation, as well as their regulatory and policy options. ECF No. 462. The  
14       Court had once previously held the motions in abeyance. ECF No. 454. Plaintiffs and  
15       intervenor March for Life did not object to the request. Intervenor Little Sisters objected.

16       4. On August 16, 2021, Federal Defendants announced that “[t]he Departments [of  
17       Health and Human Services, Treasury, and Labor] intend to initiate rulemaking within 6  
18       months to amend the 2018 final regulations and obtaining public input will be included as  
19       part of the Departments’ rulemaking process.” CMS.Gov, Frequently Asked Questions,  
20       Affordable Care Act Implementation FAQs (Set 48) (Aug. 16, 2021) (available at  
21       [https://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs#Affordable\\_Care\\_Act](https://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs#Affordable_Care_Act)).

22       5. On August 17, 2021, the Court held a case management conference. The Court  
23       granted Federal Defendants’ request to stay the case and directed “counsel . . . to e-file a joint  
24       status report every three months.” ECF No. 467.

25       6. Federal Defendants report that the Federal Departments continue to work toward  
26       rulemaking as described in the August 16, 2021 guidance.

27       7. The Little Sisters’ position has not changed.

1 Dated: October 29, 2021

Respectfully submitted,

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1 Dated: October 29, 2021

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Dated: October 29, 2021

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